

August 5, 2003

August Fifth

20-----03

The regular August Meeting of Danville City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. "Buddy" Rawley, Jr., Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Staff members present were City Manager Jerry L. Gwaltney, Finance Director Aubrey D. Dodson, City Attorney Timothy R. Spencer, Legislative and Public Affairs Director Todd M. Yeatts, and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Parks, Recreation, and Tourism Director John Gilstrap, Assistant City Manager for Utilities Joe King, and Emergency Services Director Doug Young.

Mayor Hamlin presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Luther offered the invocation. The Pledge of Allegiance to the Flag followed.

#### **ADDITION TO AGENDA – SECTION 12-22-CITY CODE-POLLING PLACE**

Upon Motion by Council Member Smith and second by Council Member Luther, an Ordinance amending Section 12-22 of Chapter 12 of the Danville City Code to relocate the polling location for Ward Number 12 was added to the Agenda under VII Old Business, Item A3, by a unanimous vote.

#### **PUBLIC HEARING - RELOCATE POLLING PLACE - 12<sup>TH</sup> PRECINCT**

Mayor Hamlin opened the floor for a Public Hearing to consider the relocation of the polling place from J. W. Squire Armory to the American Legion Post 325 and to consider the approval of a Memorandum of Understanding between the City and the American Legion Post 325. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 22 and 29, 2003.

Chairman of the Electoral Board Ralph Polk advised that the Electoral Board is in favor of moving the polling place from J. W. Squire Armory to the American Legion Post 325 facility for the 12<sup>th</sup> voting precinct.

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Council Member Archie inquired if the Board had investigated the possibility of relocating the 12<sup>th</sup> precinct polling place to any other facility. Mr. Polk responded that it was his understanding from former Electoral Board Secretary Shirley Mayhew that other possibilities had been investigated and the Board felt this was the best location for the polling place.

No one further desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-08.01

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN AMERICAN LEGION POST 325 AND THE CITY OF DANVILLE, VIRGINIA AND AUTHORIZING THE RELOCATION OF THE POLLING LOCATION FOR THE TWELFTH (12<sup>TH</sup>) VOTING PRECINCT FROM THE J. W. SQUIRE ARMORY TO THE AMERICAN LEGION POST 325.

Council Member Luther seconded the Motion.

Council Member Archie commented that she would vote against the Resolution because she felt Council Members were misled initially in that they were informed that there were no other possible places in which to relocate the precinct. Mrs. Archie said that she had learned subsequently that there were other places available in which to relocate the precinct. She expressed concern that the elderly who experience difficulty getting in and out would have to go to this area to vote. She said the location is not the most suitable and not the most open to the usual traffic that is seen on Main Street. She said for that reason as well as for another reason that she would not mention, she would not vote to relocate the polling place to the Post 325 facility.

Council Member Luther said it would be irresponsible for the Council to reconsider hijacking another church. He said the ministers of the two churches quoted in today's newspaper said they had never been contacted. Mr. Luther said he was unaware of where the other locations were. He said the American Legion is a very easy to get to place, a safe place, and most especially it is off the high traffic area.

Council Member Castiglione said he would like to thank those who were willing to allow the City to use their facilities as a polling place and specifically St. Luke's United Methodist. Mr. Castiglione said he was disappointed that other churches were not contacted who had facilities and apparently were willing to have the polling place relocated there. He said he would have liked to have all the options. Mr. Castiglione said he would support the Post 325 location and expressed appreciation for their willingness to allow citizens to vote there.

Council Member Saunders said that as a Council Member who voted at the July 15 Meeting to have the location of the 12<sup>th</sup> precinct moved to St. Luke's Church, his vote

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was not a hijack of any sort. He said the church was nearest to the Squire Armory that had been the precinct up until 9-11. Mr. Saunders said his support for the church was based on the congregation's approval and that he had no objection to the American Post 325 or any other location between Post 325 and the Squire Armory.

Vice-Mayor Williams voiced his surprise that there were other places that had been willing to be considered for the polling location, but were not offered the opportunity. He wondered if there were other non-church locations available at the time the question was posed at an earlier Council Work Session. Dr. Williams said the vote before Council presently is for a place for citizens to vote and not an attempt to combine precincts. The possibility of combining precincts for economic reasons because of low voter turnout at those precincts had been mentioned during a previous Council Work Session. Dr. Williams was concerned that the two issues may be confusing to some and wanted to make sure everyone understood the single issue before Council during this meeting.

Dr. Williams advised that if combining of precincts became an issue, discussions would be held in an open forum with Council Members and the public at large.

The Resolution was adopted by the following vote:

VOTE: 8-1  
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (8).  
NAY: Archie (1).

#### **CODE AMENDMENT-SECTION 12-22-POLLING PLACE-WARD 12**

Council Member Smith moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-08.01

AN ORDINANCE AMENDING SECTION 12-22 OF CHAPTER 12 OF THE DANVILLE CITY CODE TO RELOCATE THE POLLING LOCATION FOR WARD NUMBER 12.

The Motion was seconded by Council Member Rawley and adopted by the following vote:

VOTE: 8-1  
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (8).  
NAY: Archie (1).

Mayor Hamlin requested that City Attorney Spencer work closely with the Electoral Board in order to file the necessary documents with the Department of Justice in a timely manner.

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**DESIGNATE HOPE VI PROJECT AS LOCAL REDEVELOPMENT AREA**

Council Member Smith moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-08.02

AN ORDINANCE DESIGNATING THE LIBERTY VIEW HOPE VI PROJECT AREA AS A LOCAL REDEVELOPMENT AREA PURSUANT TO SECTION 36-51 OF THE CODE OF VIRGINIA.

Council Member Rawley seconded the Motion.

Council Member Archie asked for clarification on some wording in the Ordinance on Page 2, last paragraph as follows: "...the eleven (11) owner/occupied properties listed on the attached "Exhibit B" until such time as City Council adopts another Ordinance specifically authorizing the Authority's use of eminent domain to acquire any of these eleven (11) owner/occupied properties." City Manager Gwaltney responded that right now there are contracts out on four of the eleven houses. There are other issues that the administration will confer with the Housing Authority about. Mr. Gwaltney said the plan as presented to Council is the one that has been worked out with the Authority and offers the best advantage to the homeowners involved. If there were any changes, Council would be consulted before any decisions were made.

In response to Council Member Saunders, City Manager Gwaltney said that it is hoped that to the best of our ability, we have resolved issues that were of concern to the residents of the Liberty Hills area.

Liberty Hills community representative Virginia Motley asked that during the process of eminent domain, City Council be vigilant and keep a watchful eye on the proceedings. She said there remained many concerns among the residents. Mayor Hamlin assured Ms. Motley that Council would be very involved in any future matters relating to the HOPE VI project.

Council Member Smith said Council had responded to the concerns of the residents and will continue to do so. Mr. Smith thanked City Manager Gwaltney and the Housing Authority Executive Director Daryl Dalton for their efforts in addressing the concerns of Liberty Hill residents. He said Mr. Gwaltney and Mr. Dalton were two first-class public administrators.

The Ordinance was adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith, and Williams (9).

NAY: None (0).

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**REAPPOINT RANSON TO COMMISSION OF ARCHITECTURAL REVIEW**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-08.02

A RESOLUTION REAPPOINTING JOHN J. RANSON AS A MEMBER OF THE COMMISSION OF ARCHITECTURAL REVIEW.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**REAPPOINT STRADER TO COMMUNITY IMPROVEMENT COUNCIL**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-08.03

A RESOLUTION REAPPOINTING CURTIS STRADER AS A MEMBER OF THE COMMUNITY IMPROVEMENT COUNCIL.

The Motion was seconded by Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**REAPPOINT WATLINGTON TO COMMUNITY IMPROVEMENT COUNCIL**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-08.04

A RESOLUTION REAPPOINTING MILDRED S. WATLINGTON AS A MEMBER OF THE COMMUNITY IMPROVEMENT COUNCIL.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,

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Smith, and Williams (9).  
NAY: None (0).

**APPOINT DUNLAP TO COMMUNITY SERVICES BOARD**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-08.05

A RESOLUTION APPOINTING JoLANE T. DUNLAP AS A MEMBER OF THE  
DANVILLE-PITTSYLVANIA COMMUNITY SERVICES BOARD.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**PUBLIC HEARING - REZONE PROPERTY AT 201 & 205 EASTWOOD DRIVE**

Mayor Hamlin opened the floor for a Public Hearing to consider a request to amend the 2020 Land Use Plan and rezone property located at 201 & 205 Eastwood Drive. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 22 and 29, 2003. Attorney Steve Bass, representing applicant Bobbie Floyd, appeared to respond to questions from Council Members and citizens.

No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-08.03

AN ORDINANCE REZONING FROM R-1B SINGLE FAMILY DWELLING  
DISTRICT & "CONDITIONAL" C-2 GENERAL COMMERCIAL DISTRICT TO  
"CONDITIONAL" C-2 GENERAL COMMERCIAL DISTRICT, 201 & 205  
EASTWOOD DRIVE.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

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**PUBLIC HEARING-SPECIAL EXCEPTION PERMIT-5515 RIVERSIDE DRIVE**

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Exception Permit to enlarge an existing non-conforming telephone switching station located at 5515 Riverside Drive. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 22 and 29, 2003. Basil Cox, representing Verizon, appeared to answer questions from Council Members and the public.

No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-08.04

AN ORDINANCE GRANTING A SPECIAL EXCEPTION PERMIT IN ACCORDANCE WITH SECTION 41-23 (c) (5) TO ALLOW FOR THE EXPANSION OF AN EXISTING NON-CONFORMING TELEPHONE SWITCHING STATION AT 5515 RIVERSIDE DRIVE BY BRINGING THIS STATION INTO CONFORMANCE.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**PUBLIC HEARING-SPECIAL EXCEPTION PERMIT-CRAGHEAD STREET**

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Exception Permit to construct a parking lot on Craghead Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 22 and 29, 2003. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-08.05

AN ORDINANCE GRANTING A SPECIAL EXCEPTION PERMIT TO ALLOW FOR THE CONSTRUCTION OF A PARKING LOT IN A FLOODWAY DISTRICT, LOCATED AT 629 CRAGHEAD STREET.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 9-0

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AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**BUDGET AMENDMENT-FY 2003-04-DONATION-SUMMER RECREATION**

Upon Motion by Vice-Mayor Williams and second by Council Member Saunders, an Ordinance entitled:

ORDINANCE NO. 2003-08.06

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION ORDINANCE BY INCREASING ANTICIPATED REVENUES FOR A DONATION FOR PROVIDING SUMMER RECREATION SERVICES TO UNDERPRIVILEGED LOW INCOME YOUTH AND APPROPRIATING SUCH FUNDS

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**BUDGET AMENDMENT-FY 2003-04-EMERGENCY MANAGEMENT GRANT**

Upon Motion by Council Member Smith and second by Council Member Archie, an Ordinance entitled:

ORDINANCE NO. 2003-08.07

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT IN THE AMOUNT OF \$14,024 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY LOCAL ALL-HAZARDS EMERGENCY OPERATIONS PLANNING GRANT PROGRAM TO ENHANCE OUR ONGOING LOCAL EMERGENCY PLANNING PROGRAM AND DEVELOPING STRATEGIES FOR OVERALL LOCAL PREPAREDNESS

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**BUDGET AMENDMENT-FY 2003-04-EMERGENCY RESPONSE TEAM**

Upon Motion by Council Member Rawley and second by Vice-Mayor Williams, an Ordinance entitled:

ORDINANCE NO. 2003-08.08

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT IN THE AMOUNT OF \$3,000 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY COMMUNITY



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EMERGENCY RESPONSE TEAM (CERT) GRANT PROGRAM TO HELP TRAIN  
PEOPLE TO BE BETTER PREPARED AND ASSIST WITH EMERGENCY  
SITUATIONS IN THE NEIGHBORHOODS

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**BUDGET AMENDMENT-FY 03-04-FEMA CITIZEN CORP GRANT PROGRAM**

Upon Motion by Council Member Castiglione and second by Vice-Mayor Williams, an Ordinance entitled:

ORDINANCE NO. 2003-08.09

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION  
ORDINANCE TO PROVIDE FOR A GRANT IN THE AMOUNT OF \$2,000 FROM  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY CITIZEN CORP GRANT  
PROGRAM TO HELP PROMOTE CITIZEN PARTICIPATION BY IDENTIFYING  
VOLUNTEER OPPORTUNITIES TO SUPPORT LOCAL EMERGENCY  
MANAGEMENT AND EMERGENCY RESPONSE PERSONNEL

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**STATE REGIONAL COMPETITIVENESS PROGRAM**

Council Member Archie moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-08.06

A RESOLUTION ADVOCATING THE REQUALIFICATION FOR PARTICIPATION  
IN THE REGIONAL COMPETITIVENESS PROGRAM.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

Mayor Hamlin called for Action on the Consent Agenda.

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## **CONSENT AGENDA**

### **MINUTES**

Upon Motion by Council Member Archie and second by Council Member Daniels, Minutes of the Regular Council Meeting and the Council Work Session held on July 15, 2003 were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

### **BUDGET ADOPTION-FY 2003-04-REDEVELOP M.C. MARTIN PARK**

Upon Motion by Council Member Archie and second by Council Member Daniels, Ordinance No. 2003-07.08 presented by its First Reading on July 15, 2003 amending the 2003-2004 Budget Appropriation Ordinance by increasing anticipated revenues from private donations in the amount of \$3,000 and local match in the amount of \$3,000 for the redevelopment of M. C. Martin Park for a total appropriation in the amount of \$6,000 was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

### **BUDGET ADOPTION-FY 2003-04-TITLE III-D GRANT FUNDS-SENIORS**

Upon Motion by Council Member Archie and second by Council Member Daniels, Ordinance No. 2003-07.09 presented by its First Reading on July 15, 2003 amending the 2003-2004 Budget Appropriation Ordinance by increasing anticipated revenues to provide for an additional award of Title III-D grant funds for Senior Citizen Programs in the amount of \$969 was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

Mayor Hamlin announced the end of the Consent Agenda.

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### **COMMUNICATIONS**

City Manager Gwaltney advised that preliminary year-end figures show the City to be in good financial condition overall. He said taking into account that employees received a 3% pay increase, an additional contribution to the School System was funded, and a \$450,000 payback to the highway department, the City still realized an increase in the

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Fund Balance. Mr. Gwaltney expressed his appreciation to everyone on the Finance Staff and department heads for a great budget year.

There were no communications from the City Attorney and City Clerk.

### **ROLL CALL**

Council Member Archie expressed her appreciation to everyone who contributed to the excellent budget for Fiscal Year 2003-2004 that allowed City Manager Gwaltney to give such an excellent report.

Council Member Castiglione advised that while he was in Raleigh, North Carolina this week, he had received great comments about the Carrington Pavilion and the concerts held there this summer. He thanked John Gilstrap for the great concert series. Mr. Castiglione also reported attending the National Night Out festivities at the Crossing prior to the Council Meeting.

Mr. Castiglione asked City Manager Gwaltney to look into the possibility of privatization of the City's cemeteries and to also provide a report on the cemetery funds.

Mayor Hamlin reported he had attended the opening of the tobacco market today and that a great tradition was no longer in use. He said auctioneers would no longer be chanting. Bids for the tobacco are now being received on computers, as well as being sold in this manner. He expressed his thanks to all farmers who bring their tobacco to the Danville market to be sold.

Council Member Luther asked if the City could reapply for Enterprise Zone designations. City Manager Gwaltney responded that the City could and is now in the process of doing so.

Council Member Rawley expressed thanks to Police Officer Steve Anderson for the excellent National Night Out party. Mr. Rawley asked the City Manager for a report on any progress made since the Junkyard ordinance was passed. Mr. Gwaltney agreed to do so.

Council Member Saunders thanked City Manager Gwaltney and Daryl Dalton for their efforts relating to the Housing Authority's eminent domain concerns. He offered congratulations to Emergency Services Director Doug Young on his appointment by Governor Warner to the State Emergency Medical Services Advisory Board.

Council Member Smith said he wanted to assure Danville citizens that the stolen utility checks were of serious concern and that the matter is being thoroughly investigated.

Vice-Mayor Williams thanked Transportation Services Director Marc Adelman for the outstanding Air Show held in May. Dr. Williams said plans are in the works for next

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year's show, which is scheduled for June 2004. He encouraged everyone to support those efforts.

Dr. Williams also reminded everyone that September 20 is "Young Eagles' Day" at the Airport. At this time, area youth will be given the opportunity to experience flying in a plane. He reminded citizens that the flights would be free of charge.

The Meeting adjourned at 8:02 P.M.

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MAYOR

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CLERK